GOVERNMENT OF ANDHRA PRADESH

A B S T R A C T

Agriculture& Cooperation Department – ACB (Trap) Cases – Sri R.D.U.S.V. Prasad, the then Mandal Agriculture Officer, Gopalapuram Mandal, West Godavari District (Retired) – Convicted under Section 248 (2) Cr.P.C. - Dismissed from service - Acquitted by the High Court of A.P., Amaravati, Order dt.02.01.2024 in CA No.53 of 2007- Implementation of the High Court Judgement – Setting aside the Dismissal Proceedings - Orders – Issued.

AGRICULTURE AND CO-OPERATION (VIG.I) DEPARTMENT

G.O.Rt.No.1055 **Dated:09/12/2025**

Read the following:

1. Radio Message dated 10.11.2000 of the Dy.Spperintendent of Police, ACB, Eluru Range, Eluru.
2. From the DG, ACB, Lr.Rc.No.177/RCT-EWG/2000-S13, dt.21.4.2001.
3. From the DG, ACB, Lr.No.177/ RCT-EWG/2000-S13, dt.23.12.2006.
4. G.O.Ms.No.22, A & C (Vig.I) Dept., dt.06.02.2007.
5. From the DG, ACB, Lr.Rc.No.177/RCT-EWG/2000-S13, dt.29.01.2007.
6. The Hon'ble High Court orders dt.02.01.2024 in C.A.No.53 of 2007, filed by Sri R.D.U.S.V. Prasad, the then Mandal Agrl. Officer, Gopalapuram.
7. Representation dt.09.04.2024 of Sri R.D.U.S.V. Prasad, the then Mandal Agriculture Officer, Gopalapuram Mandal, W.G.District.
8. From the DG, ACB, Lr.Rc.No.177/RCT-EWG/2000-S13, dt.18.07.2024.

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ORDER

The Commissioner & Director of Agriculture, A.P., Hyderabad has placed Sri R.D.U.S.V.Prasad, Agriculture Officer, Gopalapuram Mandal, West Godavari District, under suspension from the date of communication of this order vide Proc.No.Estt.IV(4)793/2000, dt.16.11.2000, in connection with A.C.B. trap case on 10.11.2000 for demanding and accepting Rs.1,500/- as bribe from the Complainant Sri G.Babu Rao, a fertiliser dealer of Chityala Village, Gopalapuram (M) West Godavari District for showing Official favour to revoke orders against stop sales orders to the complainant and for inclusion of Form 'O' in the Fertiliser Licence of the complainant. (The Orders are effected from 21.11.2000)Further, the Government have reviewed the suspension of the said Accused Officer and issued orders vide G.O.Rt.No.366, A & C (Vig.I) Dept., dt.12.04.2004, to reinstate Sri R.D.U.S.V. Prasad, Agricultural Officer, Gopalapuram, W.G.District, without prejudice to the case pending against him by revoking the suspension order, with a direction to post him in a distant non focal post.

2. In the reference 2nd read above, the Director General, ACB, A.P., Hyderabad has submitted Final Report, and requested to accord sanction for prosecution of the Accused Officer.

3. Further, as per the Government instructions vide Memo.dt.06.06.2001 the Commissioner & Director of Agriculture, A.P., Hyderabad has issued prosecution sanction order, vide Procs.No.Vig.I(4) 793/2000, dt.20.06.2001, to the Director General, ACB, A.P., Hyderabad, for prosecution of Sri R.D.U.S.V.Prasad, Agriculture Officer, Gopalapuram Mandal, West Godavari District, for the above said offences punishable under Sections 7 and sub-section 2 of 13 read with clause (d) of sub-section 1 Section 13 of Prevention of Corruption Act, 1988 (Central Act 49 of 1983) and for any other cognate offenses punishable under any other provisions of law for the time being in force in respect of the aforesaid acts and for taking cognizance of the said offences in a court of competent jurisdiction. Accordingly, the DG, ACB, AP, Hyderabad has filed Charge Sheet against AO on 30-7-2001 in the Court of the Principal Special Judge for SPE & ACB Cases, Vijayawada and it has been taken on file Vide CC No:14/2001.

(P.T.O.)

4. In the reference 3rdread above, the DG, ACB, A.P., Hyderabad, has informed that the Spl. Judge for SPE & ACB Cases, Vijayawada has convicted the Accused Officer, Sri R.D.U.S.V. Prasad, Mandal Agrl. Officer, Gopalapuram, W.G. district in CC.No.14/2001 on 15-12-2006 and sentenced him to undergo rigorous imprisonment for a period of two years and also to pay a fine of Rs.5000/- and in default to undergo simple imprisonment for 3 months for the offence under Sec. 7 of PC. Act 1988 and also further ordered to undergo rigorous imprisonment for a period of two years and also to pay a fine of Rs.5000/- and in default to under-go simple imprisonment for 3 months for the offence under sec. 13(2) R/W 13(1)(d) of the PC. 1988. Both the sentences were ordered to run concurrently.

5. In the reference 4thread above, the Government have considered that the conduct of the said Sri R.D.U.S.V. Prasad, the then Mandal Agrl. Officer, Gopalapuram, West Godavari District had led to conviction and rendered him unfit for further retention in the public services and hence imposed the penalty of dismissal from services against him, under Rule 25(i) read with 9(x) of A.P.Civil Services (CC&A) Rules, 1991. Under dismissal he is attaining the age of superannuation i.e. 30.06.2019.

6. In the reference 5thread above, the D.G., ACB, A.P., Hyderabad, has informed that, Sri R.D.U.S.V. Prasad, the then Mandal Agrl. Officer, Gopalapuram has approached the Hon'ble High Court of A.P., Hyderabad, and filed C.A.No.53/2007, questioning his conviction and sentence order of the Court of the Special Judge for SPE & ACB Cases. The Hon'ble High Court admitted the said appeal and suspended the sentence of imprisonment pending disposal of the appeal by an order in Crl.M.P.No.71/2007, dt.19.01.2007.

7. In the reference 6thread above, the Hon'ble High Court of A.P., issued the following Judgement dt.02.01.2024 in C.A.No.53 of 2007, filed by Sri R.D.U.S.V. Prasad, the then Mandal Agrl. Officer, Gopalapuram, West Godavari District:

> " .....In view of the foregoing discussion, this Court has no hesitation to hold that the prosecution failed to establish its case against the accused officer for the offences alleged, beyond reasonable doubt, and **the appellant/accused is entitled for benefit of doubt.** The trial Court did not consider the evidence on record in right perspective and came to wrong conclusions. Hence, the impugned judgment is liable to be set aside.
>
> In the result, Criminal Appeal is allowed, setting aside the judgment dated: 15.12.2006 passed in C.C.No.14 of 2001 on the file of the Special Judge for SPE & ACB Cases, Vijayawada. The appellant/accused is found not guilty of the offences punishable under Section 7 and 13(1)(d) read with 13(2) of the P.C.Act, 1988 and is accordingly acquitted of the same. The bail bonds of the appellant/accused shall stand discharged, and the fine amount, if any, paid by the appellant/accused shall be refunded to him.
>
> Miscellaneous Petitions pending, if any, in the Criminal Appeal shall stand closed."

8. In the reference 7thread above, Sri R.D.U.S.V. Prasad, the then Mandal Agrl. Officer, Gopalapuram (Retired) while enclosing the Hon'ble High Court orders dt.02.01.2024 in C.A.No.53 of 2007requested the following:

i) To set aside the order of dismissal from service imposed on him vide G.O.Ms.No.22 A & C (Vig.I) Dept. dated 6-2-2007.

ii) To consider the intervening period of service from the date of suspension from 21-11-2000 to 13-5-2004 and the period from the date of dismissal i.e., 21-02-2007 to the date of his retirement i.e. 30-06-2019 (DOB is 02-06-1959) as duty.

iii) To consider for release of Pensionery benefits.

(Contd.p.3)

9. In the reference 8th read above, the DG, ACB, Vijayawada has opined that there are no grounds to prefer Special Leave Petition in the Hon'ble Supreme Court of India, New Delhi against the above said judgment of Hon'ble High Court of A.P. and requested the Government to issue final orders in the said case.

10. The Govt. after careful examination of the matter, hereby decided to implement the orders of Hon'ble High Court orders dt.02.01.2024 in C.A.No.53 of 2007 and accordingly set aside the dismissal orders issued in the reference 4th read above in respect of Sri R.D.U.S.V.Prasad, Mandal Agriculture Officer, (Retired) and hereby further order the following:

a) The suspension period from 21-11-2000 to 13-5-2004 and the period from the date of dismissal i.e., 21-02-2007 to the date of his retirement i.e. 30-06-2019, is treated as 'not on duty', under F.R.54-A. And

b) The Director of Agriculture is directed to calculate of pension and pensioner benefits in respect of the above said Officer, as per A.P. Revised Pension Rules, 1980.

11. The Director of Agriculture, AP, Guntur shall take necessary further action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

B. RAJSEKHAR
EX-OFFICIO SPECIAL CHIEF SECRETARY TO GOVERNMENT

To:
Sri R.D.U.S. Vara Prasad, Mandal Agriculture Officer, (Retired),
27-3-68/9, FLAT#202, L.S.R. RESIDENCY, PRASHANTHINAGAR,
BHIMAVARAM, WEST GODAVARI DISTRICT, AP.
Ph.9493656157, 9866955556. (Through Register Post/Speed post)

The Director of Agriculture, AP, Guntur.

Copy to:
The Director General, ACB, Pandit Nehru Bus Station,
NTR Administrative Block, 2nd Floor, Vijayawada, A.P.
The Prl. Accountant General, AP, Vijayawada.
The Director of Treasuries & Accounts, AP, Mangalagiri.
The District Treasury Officer, West Godavari District
The OSD to Hon'ble Minister (Agri.)
SF/SC.(2406366)

// FORWARDED BY ORDER //

SECTION OFFICER